IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Bail Appl..No. 6759 of 2007()

AGAINST THE ORDER DATED 25/10/2007 IN CMP.2980/2007 IN CMP.2946/2007 of J.M.F.C.-III,KOZHIKODE
CRIME NO.201/07 OF KAKKUR POLICE STATION

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PETITIONER/ACCUSED

NOUSHEER @ NISHAD A.K.,
S/O HUSSAIN, AGED 23 YEARS,
ANAKKUZHIKKAL HOUSE,
EENGAPPUZHA AMSOM, PADOOR DESOM.

BY ADV. SRI.K.ANTONY JOSEPH

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE, KAKKUR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/11/2007 ALONG WITH B.A.NO.6952/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. Nos. 6759 & 6952 OF 2007

Dated this the 19th day of November, 2007

ORDER

Applications for regular bail. The petitioners face allegations under Sec.395 of the IPC. They are accused 1 and 3. The victim was allegedly a carrier of Hawala money. Accused 1 to 6 who were informed by accused No.7 (and who identified the victim) that the victim was carrying such money. They allegedly proceeded in a vehicle. They chased the two wheeler in which the de facto complainant was proceeding. Deliberately the motor-cycle was knocked down by the car. The cash which he was carrying with him was taken away. The miscreants tried to escape in their car. En route the car met with an accident. The miscreants tried to take to their heels with the booty. The local people surrounded them and apprehended them. They continue in custody from the date of

the incident i.e., 7/10/07. The 7th accused have subsequently been apprehended on 9/10/07. All of them continue in custody even now.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. They pray that the petitioners may now be enlarged on bail.

3. The learned Public Prosecutor opposes the applications. The learned Public Prosecutor submits that the allegations are very serious. Investigation is not complete. The police have reasons to believe that the addresses given by some of the accused are not correct. In these circumstances, the petitioners may not be enlarged on bail at this stage. The Investigator may be given reasonable further time in a serious crime like the instant one to complete the investigation.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I agree with the learned Public Prosecutor that the Investigator is entitled for a reasonable further time to complete the investigation. The petitioners do not deserve to be enlarged on bail at this stage.

5. In the result, these petitions are dismissed. But I may hasten to observe that the petitioners shall be at liberty to move

this Court for bail again at a later stage of the investigation not, at any rate, prior to 3/12/2007. The Investigation shall, in the mean time, make every endeavour to complete the investigation.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge